

Decision 03-06-061 June 19, 2003

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the application of Pacific Adventure Cruises, Inc. for authorization to expand certificate of public convenience and necessity No. VCC-78 to include the transportation of persons and baggage between all accessible docks in Marina del Rey on a scheduled basis.

Application 03-04-007
(Filed April 1, 2003)

O P I N I O N

Summary

This decision grants the application of Pacific Adventure Cruises, Inc. (Applicant), a corporation, pursuant to Pub. Util. Code § 1007, to extend its certificate of public convenience and necessity to operate as a vessel common carrier (VCC), as defined in Pub. Util. Code § 238.

Discussion

Applicant is currently authorized to transport passengers and their baggage as a non-scheduled VCC pursuant to Decision (D.) 97-06-043 between Marina del Rey and Santa Catalina Island and between points on Santa Catalina Island.

This application requests to extend Applicant's authority to include transportation of passengers and their baggage on a scheduled basis between all accessible docks in Marina del Rey. The County of Los Angeles (County) seeks to mitigate vehicle traffic on surface streets by providing water taxi service to the public for a nominal charge across and around Marina del Rey. To this end, County has contracted with Applicant to provide such service.

Applicant proposes to operate with its vessel *Miss Christi*. The vessel is 45 feet in length and capable of seating 58 passengers. The fare will be \$1 per passenger.

Notice of filing of the application appeared in the Commission's Daily Calendar on April 8, 2003. Applicant notified the County of Los Angeles, Department of Beaches and Harbors.

In Resolution ALJ 176-3111 dated April 17, 2003, the Commission preliminarily categorized this application as ratesetting, and preliminarily determined that hearings were not necessary. No protest has been received. Given this status, public hearing is not necessary, and it is not necessary to alter the preliminary determinations made in Resolution ALJ 176-3111.

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Pub. Util. Code § 311(g)(2), the otherwise applicable 30-day period for public review and comment is being waived.

Assignment of Proceeding

Richard Clark is the assigned Examiner in this proceeding.

Findings of Fact

1. Applicant is currently authorized to operate a nonscheduled VCC service pursuant to D.97-06-043 between Marina del Rey and Santa Catalina Island and between points on Santa Catalina Island.
2. The application requests authority to extend Applicant's VCC service to include transportation of passengers and their baggage on a scheduled basis between all accessible docks in Marina del Rey.
3. Public convenience and necessity requires the proposed service.
4. No protest to the application has been filed.
5. A public hearing is not necessary.

6. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

Conclusions of Law

1. Public convenience and necessity has been demonstrated and the application should be granted.
2. Since the matter is uncontested, the decision should be effective on the date it is signed.
3. Only the amount paid to the State for operative rights may be used in rate fixing. The State may grant any number of rights and may cancel or modify the monopoly feature of these rights at any time.

O R D E R

IT IS ORDERED that:

1. The certificate of public convenience and necessity (CPCN) granted to Pacific Adventure Cruises, Inc. (Applicant), a corporation, authorizing it to operate as a vessel common carrier (VCC), as defined in Pub. Util. Code § 238, to transport persons and their baggage between the points set forth in Appendix VCC-78 of Decision 97-06-043, is amended by replacing Original Pages 1 and 2 with First Revised Pages 1 and 2, subject to the conditions contained in the following paragraphs.
2. Applicant shall:
 - a. File a written acceptance of this certificate within 30 days after this order is effective.
 - b. Establish the authorized service and file tariffs and timetables within 120 days after this order is effective.
 - c. File tariffs on or after the effective date of this order. They shall become effective ten days or more after the effective

date of this order, provided that the Commission and the public are given not less than ten days' notice.

- d. Comply with General Orders Series Orders Series 87, 104, 111, and 117.
- e. Maintain accounting records in conformity with the Uniform System of Accounts.
- f. Remit to the Commission the Transportation Reimbursement Fee required by Pub. Util. Code § 423 when notified by mail to do so.

3. Applicant shall comply with all the rules, regulations, and requirements of the United States Coast Guard, including applicable Vessel Traffic System requirements, in the operation of the service authorized in Ordering Paragraph 1.

4. Applicant is authorized to begin operations on the date that the Consumer Protection and Safety Division mails a notice to Applicant that its evidence of insurance and other documents required by Ordering Paragraph 2 have been filed with the Commission.

5. The CPCN to operate as VCC-78, granted herein, expires unless exercised within 120 days after the effective date of this order.

- 6. The Application is granted as set forth above.
- 7. This proceeding is closed.

This order is effective today.

Dated June 19, 2003, at San Francisco, California.

MICHAEL R. PEEVEY
President
CARL W. WOOD
LORETTA M. LYNCH
GEOFFREY F. BROWN
SUSAN P. KENNEDY
Commissioners

SECTION I. GENERAL AUTHORIZATIONS, RESTRICTIONS,
LIMITATIONS, AND SPECIFICATIONS.

Pacific Adventure Cruises, Inc., a corporation, by the certificate of public convenience and necessity granted by the decision noted in the foot of the margin, is authorized to conduct *scheduled and nonscheduled vessel common carrier services, for the transportation of passengers and their baggage, between the points described in Section II, subject however, to the authority of this Commission to change or modify this authority at any time and subject to the following provisions:

- A. No vessel shall be operated unless it has met all applicable safety requirements, including those of the United States Coast Guard.
- B. Nonscheduled service shall be operated on an "on-call" basis. The term "on-call," as used, refers to service which is authorized to be rendered dependent on the demands of passengers. The tariffs and timetables shall show the conditions under which each authorized on-call service will be rendered.
- C. The term "on-call" service shall be performed at hourly or per diem rates that include the services of vessel and crew, regardless of the number of passengers transported. Transportation shall not be performed on an individual fare basis.

Issued by California Public Utilities Commission.

*Revised by Decision 03-06-061, Application 03-04-007.

SECTION II. SERVICE POINTS.

A. **NON-SCHEDULED SERVICE**

Marina del Rey – Santa Catalina Island

Between Marina del Rey, on the one hand, and Avalon, Two Harbors, and all accessible ports on Santa Catalina Island, on the other hand.

Santa Catalina Island

Between all accessible ports on Santa Catalina Island.

B. ***SCHEDULED SERVICE**

*Marina del Rey

Between all accessible docks in Marina del Rey.